2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee II

Summary record of the 2nd meeting
Held at Headquarters, New York, on Monday, 10 May 2010, at 3 p.m.

Chairman: Mr. Yelchenko (Ukraine)

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The meeting was called to order at 3.10 p.m.

General exchange of views (*continued*)

1. **Mr. Benítez Versón** (Cuba) said that non-proliferation was the best guarantee for nuclear disarmament and thus the two should not be considered separately. The qualitative improvement of existing nuclear weapons and the development of new weapons — both violations of States' obligations under the Non-Proliferation Treaty — was of great concern, especially given certain States' plans to deploy new anti-missile defence systems and to strengthen alliances with other States whose military strategies involved nuclear weapons. Cuba rejected the selective approach and double standards that some States were trying to impose on the international community in addressing disarmament, non-proliferation and arms control issues and their links with terrorism. Such an approach focused excessively on preventing horizontal proliferation, while ignoring the dangers of vertical proliferation; only the prohibition and total elimination of nuclear weapons could guarantee that such weapons would not fall into the hands of terrorists.

2. By complying fully with its obligations under the Treaty and with International Atomic Energy Agency (IAEA) inspections, Cuba had demonstrated its firm commitment to the non-proliferation regime. It was the responsibility of States members of IAEA to ensure that the Agency's Statute was respected, and to prevent interference in its activities, especially with regard to the verifications process, that could undermine its effectiveness and credibility. He expressed concern at the imposition of unilateral measures by certain States and the interference of the Security Council in the exercise by IAEA of its mandate: only the Agency could verify compliance with its safeguards agreements.

3. Cuba was a party to the Convention on the Physical Protection of Nuclear Material and supported implementation of the Code of Conduct on the Safety and Security of Radioactive Sources. Cuba complied strictly with its obligation under article 14 of the Treaty of Tlatelolco to submit semi-annual reports to IAEA, and was actively involved in the implementation of that Treaty. Cuba participated in the IAEA Illicit Trafficking Database; no incidents involving nuclear material had been reported for Cuba. Non-proliferation concerns must be resolved through diplomatic means and related measures must be adopted within the framework of international law, relevant conventions and the Charter of the United Nations.

4. **Mr. Enkhsaikhan** (Mongolia) said that it was important to take practical steps to strengthen IAEA and the important role it played in the implementation of the Non-Proliferation Treaty, including by providing additional resources and technology. Additional protocols to comprehensive safeguards agreements were of vital importance as they provided assurances that declared nuclear material was not being diverted from peaceful uses, and that there were no undeclared nuclear materials or activities in a given State. He called on States that had not yet done so to ratify the such agreements and protocols without delay.

5. Nuclear-weapon-free zones helped significantly to promote a world free of nuclear weapons. He therefore welcomed recent treaties on such zones and the United States Government's announced intention to ratify the South Pacific Nuclear Free Zone Treaty and African Nuclear-Weapon-Free Zone Treaty, as well as the outcome of the second Conference of Nuclear-Weapon-Free Zones and Mongolia held in April 2010. While Mongolia's status as a single-State nuclear-weapon-free zone enjoyed wide international support, it was necessary to institutionalize that status together with the Russian Federation and China and to obtain a pledge from them to respect it. He hoped that the final document of the current Review Conference would not simply recognize and affirm Mongolia's status, but express support for its policy to institutionalize its nuclear-weapon-free status in the near future. Another priority of the Conference should be to draft practical recommendations for implementation of the resolution on the Middle East adopted at the 1995 Review Conference.

6. **Mr. van den IJssel** (Netherlands) said that while his Government supported the right of States parties to develop peaceful uses of nuclear energy, it was imperative to ensure that such development met the necessary non-proliferation requirements. Transparency was key to building confidence in that regard and its importance should be reflected in the Committee's outcome document. Furthermore, comprehensive safeguards agreements, which were essential in verifying the non-diversion of declared nuclear material, needed to be supplemented by additional protocols to allow IAEA to provide credible assurances regarding the absence of undeclared nuclear material and activities. His delegation would therefore like to

see a reference to the additional protocols included in the outcome of the current Review Conference.

7. The Netherlands was committed to upholding the highest standards of export controls, which were a legitimate, necessary and desirable means of implementing States parties' obligations under article III of the Treaty, and to full transparency in that regard. Targeted institutional reform of the Treaty review process as set out in working paper No. 4 was desirable, as it could ultimately contribute to progress on substantive issues regarding implementation of the Treaty. His Government welcomed recent initiatives to combat nuclear terrorism more effectively as well as the announcement by Indonesia of its intention to ratify the Comprehensive Nuclear-Test-Ban Treaty.

8. **Mr. Valero Briceño** (Venezuela (Bolivarian Republic of)) said that the existence of nuclear weapons was the single greatest threat to world peace. While the non-nuclear-weapon States had made efforts to strengthen the non-proliferation regime, including by establishing nuclear-weapon-free zones, much more needed to be done. He urged States parties to adopt a number of measures at the current Review Conference to strengthen both non-proliferation and nuclear disarmament: nuclear-weapon States must withdraw interpretative declarations to additional protocols and to annexes to treaties establishing nuclear-weapon-free zones; States parties must reiterate the importance of establishing such zones on the basis of agreements freely arrived at among the States concerned; and States parties must reaffirm the commitments made at the 1995 Review Conference, in particular, the establishment without delay of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

9. Non-proliferation, both vertical and horizontal, and disarmament efforts were part of an interdependent process that must include the adoption of concrete measures first and foremost by nuclear-weapon States in order to advance the objectives of the Treaty. States parties must take joint action to strengthen the nuclear disarmament regime, as well as the authority and credibility of IAEA. He expressed concern at any initiative that attempted to ignore or delegitimize the multilateral disarmament regime previously negotiated in the relevant multilateral forums or that sought to undermine the technical, non-political character of institutions created to deal with that regime. His Government objected to undesirable practices that violated the principle of the legal equality of States. For instance, some States were expected to comply with obligations not listed in any international agreement, while other States were exempted from their obligations under existing international agreements.

10. He reaffirmed the inalienable right of States parties to develop nuclear energy for peaceful purposes without discrimination, especially developing countries seeking to diversify their energy sources and achieve technological independence. Any attempt to restrict that right undermined the fundamental principles of the Treaty. Therefore, imposing obligations in addition to IAEA safeguards agreements as a condition for technical cooperation would require a re-interpretation of the Treaty and of States' obligations under the Treaty.

11. **Mr. Kongstad** (Norway) said that it was the responsibility of Iran to restore its credibility by complying with international demands to suspend sensitive elements of its nuclear programmes, exercising full transparency and entering into genuine negotiations with a view to reaching an acceptable outcome for all parties concerned. It was important, however, to stress that no one denied Iran its right to peaceful uses of nuclear energy; in fact, Norway had allocated funds to the nuclear safety projects carried out by IAEA in Iran. It was furthermore essential to restart the diplomatic process with the Democratic People's Republic of Korea in order to bring it back under the authority of the non-proliferation regime.

12. IAEA must be equipped with the necessary financial, political and legal tools to carry out its safeguards mandate. Underlining the key role played by the latter as guardian of the non-proliferation regime, he said that Norway had consistently advocated for additional resources to be provided to the Agency. States parties must agree on a standard point of reference for the safeguards regime, which should be, at minimum, a comprehensive safeguards agreement and an additional protocol. Additional protocols did not represent a constraint on non-nuclear-weapon States in getting access to nuclear technology and equipment for peaceful uses, and furthermore helped boost international confidence and thus facilitate peaceful nuclear cooperation. Additional protocols should be made universal as part of the evolving safeguards regime: they were the only way for a State party to graduate to integrated safeguards,

which should become the norm in a world free of nuclear weapons. States parties should explore how IAEA could expand its data collection capabilities, modernize its Safeguards Analytical Laboratory and further strengthen its network of independent laboratories. It was also important to further enhance the safeguards cooperation between nuclear-weapon States and IAEA and ensure that all nuclear activities were brought under the Agency's supervision.

13. An early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and negotiations on a fissile material cut-off treaty were imperative to prevent both vertical and horizontal proliferation of nuclear weapons. Making the former Treaty legally binding for all countries in the Middle East and strengthening safeguards would contribute towards the establishment of a nuclear-weapon-free zone in that region. He welcomed the broad consensus on the need to further strengthen the role of IAEA in the securing of all sensitive nuclear materials within four years, as per the outcome of the Nuclear Security Summit recently held in Washington, D.C., and noted that his Government had announced a substantial contribution to the IAEA Nuclear Security Fund. He echoed the call for universal accession to the relevant multilateral conventions and implementation of Security Council resolution 1540 (2004) through the adoption and enforcement of appropriate national legislation and stressed that the importance of export controls should be recognized in that regard. It was particularly encouraging to observe that the conversion of civilian research reactors to low-enriched uranium rather than highly enriched uranium was gaining renewed momentum. Elimination of highly enriched uranium in the civilian sector would further facilitate the safe and secure development of nuclear energy in accordance with article IV of the Non-Proliferation Treaty.

14. **Mr. Elgannas** (Libyan Arab Jamahiriya) said that since universal compliance with the Treaty provided the best means of preventing nuclear proliferation, every effort should be made to ensure that all States not party to the Treaty acceded to it as non-nuclear-weapon States, unconditionally and without delay, and concluded comprehensive safeguards agreements. Cooperation between certain nuclear-weapon States that were party to the Treaty and certain non-States parties undermined the non-proliferation regime and should therefore be prohibited. Similarly, the attempt by any country to accede to the Treaty as a nuclear-weapon State would damage the regime's credibility and give countries an excuse to withdraw from the Treaty.

15. The IAEA safeguards system was a central pillar of the nuclear non-proliferation regime. Given the Agency's important role in preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, its authority should not be undermined. Measures must be adopted to protect the rights of States parties under the Treaty and to prevent any restriction on the exercise of those rights, in particular the inalienable right to peaceful use of nuclear energy.

16. Assurances given to nuclear-weapon States and non-nuclear-weapon States should be reinforced; voluntary agreements alone should not suffice in that regard. The time had come to expand the mandate of IAEA to include verification of nuclear-weapon States' fulfilment of their disarmament obligations, through agreements to be concluded with the Agency aimed at confirming declared arsenal and stockpile reductions, in order to bolster the credibility of the Treaty.

17. Expressing support for efforts to establish nuclear-weapon-free zones in all regions of the world, he welcomed the recent developments leading to the entry into force of the Pelindaba Treaty and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia.

18. The establishment of a nuclear-weapon-free zone in the Middle East had been a matter of great concern for countries in the region, not only because of the threat posed by the Israeli nuclear arsenal to regional and international peace and security, but also because of the failure, 15 years on, to implement the resolution on the Middle East adopted at the 1995 Review and Extension Conference. That resolution had been considered a main element of the package of decisions that had led to the indefinite extension of the Treaty.

19. The Arab Group had submitted several working papers on the subject, based on the resolutions adopted by the League of Arab States at several Arab Summit Conferences, the most recent of which had been held in Libya in March 2010. He hoped that the ideas and measures set forth in the unified Arab position on implementation of the resolution on the Middle East would be discussed objectively by the Conference and included in its final document. Israel must be induced to accede to the Treaty as a non-nuclear-weapon State without delay and to place its nuclear facilities under

IAEA safeguards. IAEA should implement relevant resolutions, in particular its resolution on Israeli nuclear capabilities. Nuclear-weapon States must undertake not to transfer to Israel any nuclear materials or assist it in the use of nuclear energy, whether for peaceful purposes or military purposes, in accordance with the relevant Treaty provisions. The United Nations must also hold a conference, within a specified time frame, on the creation of a nuclear-weapon-free zone in the Middle East. A standing committee made up of the members of the Bureau of the 2010 Review Conference should be established to follow up on the implementation of the resolution on the Middle East and of the Final Document of the 2000 Review Conference.

20. An objective discussion of practical, tangible steps that might be taken to implement the resolution on the Middle East would be a major factor in determining the success of the current Conference. Furthermore, it would be illogical for implementation of the resolution to hinge on other conditions that might prove impossible to meet even in the long term because of Israel's obduracy, thus extending the current stalemate indefinitely. It was up to the international community, in particular depositary States parties, which had adopted the resolution on the Middle East, to assume responsibility and work towards its implementation.

21. **Mr. García Moritán** (Argentina) said that the outcome of the current Review Conference should include a reference to current non-proliferation issues at which States parties had expressed concern because they affected the regime as a whole. The non-proliferation regime took as its basis not only the Non-Proliferation Treaty and the safeguards system established under IAEA and regional agreements, but also complementary instruments, such as the Comprehensive Nuclear-Test-Ban Treaty. He welcomed the enforcement by IAEA of its safeguards system, which was essential in verifying the compliance of all States with their obligations. The system should also help to establish a reliable framework for the peaceful development and use of nuclear energy and international cooperation. The Agency's continued effectiveness was linked to the appropriate use of resources in the application of safeguards. While it was important to draw the international community's attention to any non-compliance identified by IAEA, measures adopted to deal with the non-compliance of certain States must remain exceptional, rather than the norm. Argentina and Brazil had established the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) to monitor peaceful uses of nuclear energy in both countries.

22. It was important to ensure that objectivity, technical expertise, non-discrimination and, above all, transparency, continued to guide the actions of IAEA. In particular, principles such as technical cooperation and the protection of industrial and commercial development of peaceful uses of nuclear technology must continue to underpin the system of international safeguards. He furthermore stressed the importance of responsible policies on nuclear exports, including additional transparency on export controls. Related initiatives must not impinge, however, on States parties' legitimate right to access peaceful uses of nuclear energy. Argentina was an active member of all export control regimes which sought to ensure that nuclear energy was used only for peaceful purposes. Lastly, the full compliance of all States parties with their obligations under Security Council resolution 1540 (2004) contributed significantly to non-proliferation and the fight against terrorism.

23. **Mr. Dai** Huaicheng (China) said that the prevention of nuclear weapons proliferation was a necessary step towards the complete prohibition of nuclear weapons and the preservation of regional and international peace and security. All States should base their security doctrine on mutual trust and benefit, equality and coordination in the interest of a peaceful and stable international environment.

24. Approaches to nuclear proliferation issues should be multilateral, working through the United Nations and other international organizations that had universal participation and democratic decision-making and exclude double standards and pragmatism. The international non-proliferation regime should be strengthened by enhancing the universality, authority and effectiveness of the Treaty. The IAEA safeguards system was a key element in preserving the effectiveness of the international non-proliferation regime, which required universalization of the IAEA comprehensive safeguards agreement and additional protocol and action by States to rigorously implement Security Council resolutions 1540 (2004) and 1887 (2009). Regional nuclear issues should be addressed peacefully through peaceful and diplomatic means, without the imposition of sanctions or the use or threat

of force. Nuclear non-proliferation efforts should not undermine the legitimate right to the peaceful uses of nuclear energy, although countries should be prevented from proliferation activities under the guise of peaceful uses.

25. China strictly fulfilled all of its international non-proliferation obligations and had put in place and enforced a comprehensive set of export control laws and regulations. It had committed itself to promoting multilateral and bilateral exchanges and cooperation in the field. In China's view, the international community should promote peaceful solutions to regional nuclear issues through dialogue and negotiations. That applied both to the Korean Peninsula and to the Iranian nuclear issues. In that connection, he drew attention to working papers submitted by China on non-proliferation and nuclear-weapon-free zones (NPT/CONF.2010/WP.64 and 67).

26. **Mr. Kim** Bong-hyun (Republic of Korea) said that the Non-Proliferation Treaty faced unprecedented challenges, of which the most serious involved non-proliferation. The Democratic People's Republic of Korea's nuclear development programme represented a serious threat to regional peace and security and the international non-proliferation regime. That country was the only State party to have withdrawn from the Treaty, after which it had proceeded to conduct several nuclear tests. The international community had reacted resolutely to that challenge, both through the Security Council and in the Six-Party Talks. The Republic of Korea sought to resolve the Korean Peninsula nuclear problem through its "Grand Bargain" initiative, aimed at persuading its northern neighbour to comply with the relevant Security Council resolutions, denuclearize and return to the Treaty.

27. The Iranian nuclear programme posed a similar challenge to the Treaty, especially since the Islamic Republic of Iran's revelation of a number of previously undisclosed nuclear activities. While the Republic of Korea firmly supported the right of States parties to peaceful uses of nuclear energy, Iran's refusal to cooperate fully with the International Atomic Energy Agency and open its activities to international verification undermined the international community's confidence that it was complying with its international obligations. A major concern was Iran's uranium enrichment programme, a problem that could be addressed by supplying that country with the necessary reactor fuel from regulated multilateral sources.

28. The IAEA safeguards system needed to be further strengthened as a growing number of States looked to nuclear energy to supply their rising energy needs. The Republic of Korea strongly supported the universalization of the comprehensive safeguards agreement and the additional protocol as the new verification standard. His delegation urged all States to ratify both instruments as soon as possible.

29. The Republic of Korea welcomed the entry into force of the Treaty establishing a nuclear-weapon-free zone in Central Asia. In that connection he urged other zones to adopt the additional protocol as a core safeguards standard and for member countries to consider ratifying the Small Quantities Protocol.

30. The Republic of Korea participated in a range of international efforts to combat nuclear terrorism and prevent the spread of sensitive nuclear materials, including the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction and the Global Initiative to Combat Nuclear Terrorism (GICNT). His country had welcomed the Nuclear Security Summit held in Washington, D.C., in April 2010, which had laid new groundwork for international cooperation in the nuclear security field. It fully supported the guidelines and principles on the establishment of nuclear-weapon-free zones adopted at the 1999 session of the United Nations Disarmament Commission and welcomed the recent announcement by the United States of plans to ratify the Protocols to the Treaties establishing nuclear-weapon-free zones in Africa and the South Pacific. His country also supported the resolution on the Middle East adopted at the 1995 Review Conference and its call for the establishment of a zone free of weapons of mass destruction and their means of delivery in the Middle East.

31. **Mr. Belaoura** (Algeria) said that the three pillars of the Treaty were mutually complementary and attempts to have one pillar dominate would undermine its integrity, credibility and effectiveness. Nuclear-weapon States must discharge their disarmament obligations under article VI of the Treaty, which would help to strengthen non-proliferation.

32. Algeria called for strict implementation of the Treaty, as nuclear disarmament and non-proliferation could be guaranteed only within the NPT framework.

The International Atomic Energy Agency was the institution entrusted with monitoring and enforcing compliance with the Treaty, and it must be provided with the resources and authority it needed to deal with all non-proliferation cases. Algeria called for the universalization of the Treaty, which required all remaining States to join as non-nuclear-weapon States. The establishment of nuclear-weapon-free zones under article VII of the Treaty further contributed to its strengthening. He urged States, especially nuclear-weapon States, to ratify the treaties establishing such zones. In that connection, it must be pointed out that the resolution on the Middle East adopted at the 1995 Review Conference with a provision calling for the establishment of a nuclear-weapon-free zone in the Middle East had remained a dead letter. That resolution had been part of the bargain struck at the 1995 Conference in order to gain approval of the indefinite extension of the Treaty. It was essential for Israel to place its nuclear facilities and activities under IAEA safeguards and inspection, as called for in the 1995 resolution. Algeria had submitted a set of practical proposals to the 2010 Review Conference aimed at securing implementation of the 1995 resolution and he hoped that the Conference would adopt the proposals and establish the machinery required to implement it.

Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality

33. **Mr. Grinius** (Canada) said that he wished to address some institutional issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Recalling that the Secretary-General had stated at the opening of the 2010 Review Conference that implementation of the Treaty would benefit from more systematic national reporting and better substantive and organizational support, and that participants might wish to consider ways in which a small, permanent structure could help, citing the lack of an effective tool for cases of non-compliance as a significant institutional deficit, he noted that the Treaty, unlike the Biological Weapons and Chemical Weapons Treaties, had no official institutional support. The review process had some shortcomings, as could be seen from the failure of the 2005 Review Conference and the lack of an effective response to the withdrawal of the Democratic People's Republic of Korea from the Treaty. Canada recognized the need for political will to energize the review process. Its ultimate purpose was to make progress on substantive issues facing the Treaty. He drew participants' attention to a working paper submitted by Canada and 16 other States on further strengthening of the review process (NPT/CONF.2010/WP.4), in which they offered three proposals and some decisions accompanying each proposal. The proposals included providing for shorter but more frequent annual meetings, including extraordinary meetings, that could take both procedural and substantive decisions, forming a "Chairs' Circle" of past, incumbent and future Chairs to better sustain the Treaty's work during and between meetings, and bolstering the administrative capacity of the review process with a small support unit.

34. **Mr. Soltanieh** (Islamic Republic of Iran) asked whether the points raised by the representative of Canada were related to the agenda item and whether they should not be raised in another subsidiary body.

35. **The Chairman** noted that it had been decided at the third session of the Preparatory Committee in 2009 that institutional issues should be discussed by Main Committee II under the current agenda item.

36. **Mr. Soltanieh** (Islamic Republic of Iran) said that he still challenged the relevance of those issues to the agenda of the Committee and that a decision to include them could be undone by the Committee.

37. **The Chairman** pointed out that the 2010 Review Conference, meeting in plenary during the opening week, had confirmed the decision in question, which could be found in document NPT/CONF.2010/1 at the end of annex V.

The meeting rose at 4.40 p.m.